

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

TRENTON X. ADKINS,

Plaintiff,

v.

CIVIL ACTION NO. 3:17-1927

NANCY A. BERRYHILL,
Acting Commissioner of the
Social Security Administration,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant the Claimant's request for judgment on the pleadings (ECF No. 9), deny Defendant's request to affirm the decision of the Commissioner (ECF No. 10), reverse the final decision of the Commissioner, and remand this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order to determine whether Claimant had a severe impairment that significantly limited his ability to perform basic work related activities for twelve consecutive months during the closed period. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and, consistent with the findings and recommendations, **GRANTS** the

Claimant's request for judgment on the pleadings (ECF No. 9), **DENIES** Defendant's request to affirm the decision of the Commissioner (ECF No. 10), **REVERSES** the final decision of the Commissioner, and **REMANDS** this matter back to the Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings in order to determine whether Claimant had a severe impairment that significantly limited his ability to perform basic work related activities for twelve consecutive months during the closed period.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 30, 2017



ROBERT C. CHAMBERS, CHIEF JUDGE